REMARKS

Claims 1-50 are pending in the subject application.

Applicants have amended claims 1-11, 14-38, 41-43, and 47-50. In each of the independent claims, Applicants have changed the term "graphics" to the term "image." Applicants submit that those skilled in the art would find these terms to be interchangeable. As such, the changes to the claims made herein do not introduce any new matter.

Applicants respectfully reconsideration of the rejection of claims 26 and 49 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. Applicants have amended claims 26 and 49 along the lines suggested by the Examiner. Accordingly, Applicants submit that claims 26 and 49 now define statutory subject matter under 35 U.S.C. § 101, and request that the rejection of these claims thereunder be withdrawn.

Applicants respectfully request reconsideration of the rejection of claims 1-7, 9-14, 16-18, 20-22, 24-34, 36-46, and 48-50 under 35 U.S.C. § 102(e) as being anticipated by *Nakatsuka* (U.S. Patent No. US 6,229,625 B1). As will be explained in more detail below, the *Nakatsuka* reference does not disclose each and every feature specified in independent claims 1, 9, 16, 20, 24, 26, 27, 37, 38, 49, and 50, as amended herein.

The *Nakatsuka* reference discloses a technique for obtaining an image processing parameter. In particular, *Nakatsuka* uses an image processing device to analyze target image data and applies fuzzy logic to image characteristic information d1, a subject keyword d2, and a finishing keyword d3, each of which is obtained by analysis, so as to obtain the image processing parameter. In operation, once the user selects the subject keyword d2 and finishing keyword d3 on the image processing device, the image characteristic information d1 is added to the selected subject keyword d2 and the finishing keyword d3, and fuzzy logic is applied thereto, so as to obtain the image processing parameter.

Considering first independent claim 1, Applicants have amended this claim to specify that the "image processing control information" is related to target image data at an image generating device. Applicants also have amended claim 1 to specify that the image processing control information defines the image quality correction condition in the image processing device. Further, Applicants have amended claim 1 to specify that the image data and the image processing control information are transmitted from the image data generating device, which is independent from the image processing device.

Claim 1, as amended herein, recites at least the following three (3) features that are not shown (and are not suggested) in the *Nakatsuka* reference:

1. the image data and the image processing control information are transmitted from the image generating device;

2. the image processing control information is related to target image data at the image data generating device; and

3. the image processing control information defines the image quality correction condition in the image processing device.

As such, in the claimed subject matter, the user only has to input image data with image processing control information related thereto into the image processing device, so as to obtain a desirable image. In contrast with the *Nakatsuka* reference, the user does not have to select the subject keyword d2 and the finishing keyword d3. To be more specific, *Nakatsuka's* system requires the user to input information (make a selection) to determine how each image data should be processed, i.e., the user needs to select the subject keyword d2 and the finishing keyword d3. The *Nakatsuka* system is not premised on the cooperation of an image data generating device and an image processing device, and the *Nakatsuka* reference neither discloses nor suggests providing a quality image as desired by the user without difficulty in the combination of the image data generating device and the image processing device.

For at least the foregoing reasons, the *Nakatsuka* reference does not disclose each and every feature of claim 1, as amended herein. Accordingly, claim 1 is patentable under 35 U.S.C. § 102(e) over *Nakatsuka*. Claims 2-7, each of which ultimately depends from claim 1, are likewise patentable under 35 U.S.C. § 102(e) over *Nakatsuka* for at least the reason that they depend from claim 1.

Shifting now to independent claims 9, 24, 26, and 50, Applicants have amended these claims along the same lines discussed above with respect to claim 1. As such, Applicants submit that the *Nakatsuka* reference does not disclose each and every feature of claims 9, 24, 26, and 50 for at least the same reasons set forth above with regard to claim 1. Accordingly, claims 9, 24, 26, and 50 are patentable under 35 U.S.C. § 102(e) over *Nakatsuka*. Claims 10-14, each of which ultimately depends from claim 9, and claim 25, which depends from claim 24, are likewise patentable under 35 U.S.C. § 102(e) over *Nakatsuka* for at least the same reasons set forth above regarding the applicable independent claim.

Considering next independent claims 16 and 20, the image processing devices defined in these claims are premised on a technique for automatically adjusting the image quality of target image data based on a standard image quality parameter value and an analytic value of the target image data (an acquired image quality parameter value). In some instances, an automatic image adjustment technique that relies on a standard image quality parameter value and an analytic value of the target image data fails to reflect the image generating environment, and the resultant image does not reflect the shooter's intention. For example, a desired evening view image may turn out to be something different because its color balance is adjusted based on a standard image quality parameter value.

The *Nakatsuka* reference does not disclose (or suggest) an automatic image quality adjustment technique that uses a standard image quality parameter value and an analytic value of target image data. Consequently, the *Nakatsuka* reference necessarily does not

disclose each and every feature specified in claims 16 and 20, as amended herein. Accordingly, claims 16 and 20 are patentable under 35 U.S.C. § 102(e) over *Nakatsuka*. Claims 17 and 18, each of which depends from claim 16, and claims 21 and 22, each of which depends from claim 20, are likewise patentable under 35 U.S.C. § 102(e) over *Nakatsuka* for at least the same reasons set forth above for the applicable independent claim.

Addressing now independent claims 27, 37, 38, and 49, these claims are directed toward an image data generating device (claims 27 and 37), a method for generating image data (claim 38), and a computer-executable program for generating image data in which the image data generated in the image generating device is associated with image quality adjustment data, and is then stored in a memory. On the other hand, *Nakatsuka* discloses using an obtained image processing parameter to generate image data for recordation; however, *Nakatsuka* provides no disclosure of associating the obtained image processing parameter with the image data. Further, the *Nakatsuka* reference provides no disclosure of associating image data and image quality adjustment data, e.g., image processing control information, and storing the image data associated with the image quality adjustment data in a memory. Thus, for at least the foregoing reasons, the *Nakatsuka* reference does not disclose each and every feature of claims 27, 37, 38, and 49, as amended herein.

Accordingly, claims 27, 37, 38, and 49 are patentable under 35 U.S.C. § 102(e) over *Nakatsuka*. Claims 28-34 and 36, each of which ultimately depends from claim 27, and claims 39-46 and 48, each of which ultimately depends from claim 38, are likewise patentable under 35 U.S.C. § 102(e) over *Nakatsuka* for at least the same reasons set forth above regarding the applicable independent claim.

Applicants respectfully request reconsideration of the rejection of claims 8, 15, 19, 23, 35, and 47 under 35 U.S.C. § 103(a) as being unpatentable over *Nakatsuka* in view of *Shiota et al.* (EP 0 838 939 A2). Claims 8, 15, 19, 23, 35, and 47 ultimately depend from

independent claims 1, 9, 16, 20, 27, and 38, respectively. The *Shiota et al.* reference discloses an image file that includes image data and shooting information. As such, the *Shiota et al.* reference does not cure the above-discussed deficiencies of the *Nakatsuka* reference relative to independent claims 1, 9, 16, 20, 27, and 38, as amended herein. Accordingly, each of claims 8, 15, 19, 23, 35, and 47 is patentable under 35 U.S.C. § 103(a) over *Nakatsuka* in view of *Shiota et al.* for at least the reason that it depends from one of independent claims 1, 9, 16, 20, 27, and 38.

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-50, as presented herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP002).

Respectfully submitted,
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